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Agenda item 163
The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 20 May 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement by the Milli Mejlis (Parliament) of the Republic of Azerbaijan on the thirteenth anniversary of the occupation of the city of Shusha of the Republic of Azerbaijan by the armed forces of Armenia (see annex).

I should be grateful if the present letter and its annex were urgently distributed as a document of the fifty-ninth session of the General Assembly, under agenda item 163, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

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Annex to the letter dated 20 May 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Statement by the Milli Mejlis (Parliament) of Azerbaijan on the thirteenth anniversary of the occupation of the city of Shusha, of Azerbaijan, by the armed forces of Armenia

This year, on 8 May, 13 years will have passed since the city of Shusha was occupied by the armed forces of Armenia. The occupation of Shusha was one phase of the military aggression conducted with the aim of tearing the region of Nagorno-Karabakh from Azerbaijan and annexing it to Armenia and driving the indigenous Azerbaijani population out of their homes. With the occupation of Shusha, which historically has always been the capital city of the entire Karabakh region, the Armenian nationalists completed the full ethnic cleansing of this region of Azerbaijan.

Shusha was founded in 1756 on the ancient place of settlement of Azerbaijanis as the capital of the independent Karabakh khanate by its ruler, the outstanding State figure Panahali Khan Javanshir. Since then, the city has played an important role in the social, political, economic and cultural life of Azerbaijan, Shusha, being the cradle of the culture and art of Azerbaijan, bestowed upon the world prominent figures such as the great poet Mollah Panah Vagif; the talented poetess Khurshudbanu Natavan; Abdurrahim bey Hagverdiyev, founder of Azerbaijani realism; Najaf bey Vazirov, playwright and publicist and one of the founders of dramatic art in Azerbaijan; Uzeyir Hajibayov, founder of the first opera in the East and great composer; Bulbul, world famous opera singer; Afrasiyab Badalbayli, founder of the Azerbaijani ballet; and a number of other brilliant figures from among our people.

As a result of the policy of aggression and ethnic cleansing launched by Armenia in 1988 with the purpose of implementing its territorial claims against Azerbaijan, 20 per cent of the territories of the Republic of Azerbaijan, i.e., the Nagorno-Karabakh region with the city of Shusha and seven adjacent districts — Lachin, Kalbajar, Aghdam, Jabrayil, Fuzuli, Qubadly and Zangilan — have been occupied, more than 1 million Azerbaijanis have been expelled from the territory of Armenia and occupied territories of Azerbaijan, leaving more than 18,000 Azerbaijanis killed, over 20,000 civilians injured, over 50,000 people disabled, over 4,000 people taken prisoner, taken hostage and missing and 877 towns, villages and settlements plundered, destroyed and burned.

In the course of aggression the Armenian nationalists committed terrible crimes of genocide against the Azerbaijani population. During the occupation of the Azerbaijani-populated villages of Imarat Garvand, Tugh, Salakatin, Akhullu, Khojavand, Jamilli, Nabilar, Meshali, Hasanabad, Karkijahan, Gaybaly, Malibayli, Yukhari and Ashaghi Gushchular, and Garadaghly in Nagorno-Karabakh, part of the people from these settlements were ruthlessly killed according to the pre-designed plan. In the village of Garadaghly alone, over 80 civilian Azerbaijanis, including children, women and old people, were tortured and killed mercilessly, dozens of people were taken hostage and the village itself was burned and razed to the ground.

On the night of 25 and 26 February 1992, the military forces of the Republic of Armenia and the Armenian terrorist groups in Nagorno-Karabakh, with the support of the 366th motorized regiment of the former Soviet army, the officers of which were mainly composed of Armenian nationals, stormed the Azerbaijani-populated town of Khojaly and committed one of the most horrible acts of genocide in the history of mankind. Without any military necessity, Khojaly was totally burned and destroyed; 613 civilian Azerbaijanis, including 63 children and 106 women, were brutally killed, 487 people were seriously wounded and 1,275 inhabitants — elderly people, children and women — were taken hostage and subjected to unbelievable humiliations and sufferings. A number of families were entirely annihilated. Even now there is no information about the fate of 150 people taken hostage, including 68 women and 26 children.

Civilians trying to break through the siege and escape were ambushed and ruthlessly killed by the Armenian militants on the roads and in the forests. The Armenian militants scalped persons they had killed, cut off their organs, put out the eyes of infants, ripped the abdomens of pregnant women and buried or burned people alive.

The nature and the scope of the bloody crimes committed in Khojaly and in the other Azerbaijani-populated settlements proves that these acts of genocide fully fall under the definition formulated in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in its resolution 260 (III) on 9 December 1948. These pre-designed massive and merciless acts of massacre were perpetrated with the intention of totally annihilating the people living in that territory due to their Azerbaijani origins. People trying to escape from the burned towns and villages were not given any mercy; children and women, in particular pregnant women, were brutally killed. Inhabitants of the other occupied towns and villages of Azerbaijan were able to escape the genocide only because they had left their settlements just a little before the attack of the Armenian military forces.

The Armenian aggressors destroyed the cultural-historical heritage of Azerbaijan in the occupied territories with special brutality. Committing acts of vandalism in the territories they had occupied, they plundered and burned nearly 500 historical and over 100 archaeological monuments, 22 museums and 4 art galleries and 9 palaces of historical importance, and desecrated 44 temples and 9 mosques. They destroyed and burned 927 libraries with 4.6 million books and unique manuscripts.

It is impossible to calculate and express in concrete figures the damage inflicted by the Armenian aggressors on the national cultural places of Azerbaijan in Nagorno-Karabakh and in the surrounding districts, because the plundered and destroyed treasures are a unique cultural legacy not only of Azerbaijan, but also of the world civilization.

Despite the fact that the major part of the territory of our country is under occupation and that one in eight persons is a refugee and internally displaced persons, living in tents in unbearable conditions, Azerbaijan is willing to eliminate peacefully the consequences of the aggression conducted by the Republic of Armenia. It has been over 11 years now that a ceasefire regime was established on the front line between Armenia and Azerbaijan.

As is known, with a view to settling the Armenia-Azerbaijan conflict over Nagorno-Karabakh, international efforts began with the establishment of the OSCE Minsk Group and the determination of the mandate for the future peace conference. Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) regarding the occupation of the Azerbaijani territories unequivocally reaffirmed the sovereignty, territorial integrity and inviolability of the borders of the Republic of Azerbaijan and demanded the complete, immediate and unconditional withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan. These resolutions constitute the integral part of the legal framework for the conflict settlement.

The mechanism of the conflict settlement was established in 1994 as the OSCE Minsk Group co-Chairs. At present, three permanent members of the Security Council — the United States of America, France and the Russian Federation — are the OSCE Minsk Group co-Chairs.

The adoption of the principles of conflict settlement — the territorial integrity of the Republic of Armenia and the Republic of Azerbaijan, the legal status of Nagorno-Karabakh defined in an agreement based on self-determination which will confer on Nagorno-Karabakh the highest degree of self-government within Azerbaijan and guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the parties with the provisions of the settlement — at the 1996 OSCE Lisbon summit by all the OSCE member States, except Armenia, was an important step forward to the just settlement of the Armenia-Azerbaijan conflict over Nagorno-Karabakh.

The OSCE Istanbul summit of 1999 demonstrated the desire of the European States to enter the third millennium in peace and security and their willingness to protect the territorial integrity and independence of countries and to protect human rights and extend democracy.

On 25 January 2005, during the winter session, the Parliamentary Assembly of the Council of Europe heard the report on the Armenia-Azerbaijan conflict over Nagorno-Karabakh and adopted a resolution reflecting its position regarding the conflict and a recommendation addressed to the Committee of Ministers of the Council of Europe concerning the measures that the organization should carry out towards the settlement of the conflict. These documents enshrine the facts of occupation of the territories of Azerbaijan by the armed forces of Armenia, the control of the Nagorno-Karabakh region by the separatist forces and the perpetration of ethnic cleansing in the occupied territories. On the other hand, they stated that the occupation of foreign territories by a member State of the Council of Europe was in grave violation of the commitments and obligations assumed by that State before the Council of Europe. Furthermore, it condemned the attempt of occupation by use of force, referred to the Security Council resolutions demanding the liberation of the occupied territories of Azerbaijan, underlined the necessity of withdrawal of the armed forces from all the occupied territories and reaffirmed the right of displaced persons to return to their homes in safety and with dignity.

In order to eliminate the damage inflicted by the aggression of Armenia against our country and develop its independent State, the Azerbaijani people needs peace. The settlement of the Armenia-Azerbaijan conflict on the basis of the Charter of the United Nations, OSCE principles and international law, the withdrawal of the occupying forces from our territories, the restoration of our State sovereignty

throughout the entire territory of Azerbaijan and the return of the refugees and internally displaced persons to their homes would make it possible to establish lasting peace between Armenia and Azerbaijan and to restore normal neighbourly relations between our peoples. This conflict, which has continued for more than 15 years, obviously hampers the democratic development process in the region and negatively affects not only Azerbaijan and Armenia, but also the entire South Caucasus region. The position of our country regarding the conflict settlement is just and is based upon the universally recognized norms and principles of international law.

Unfortunately, the implementation of the Security Council resolutions regarding the Armenia-Azerbaijan conflict and the relevant decisions of OSCE and other international organizations has not been ensured so far, and the activity of the OSCE Minsk Group has not justified the hopes placed in it. There is no need to explain that to what extent it is dangerous to keep the situation unchanged.

The unconstructive position of Armenia in the peace talks, its refusal to recognize the territorial integrity of Azerbaijan, its stationing of foreign military bases in its territory, its supplying its army with modern destructive weapons and its frequently breaking the ceasefire regime increase the danger of restoration of military operations.

During the years of peace talks mediated by international institutions, the behaviour and statements of the leadership of Armenia have led the peace process to a difficult situation. Recently, as a result of the monitoring conducted by the OSCE fact-finding mission in the occupied territories of Azerbaijan, it was found that more than 15,000 Armenians had been illegally settled in these territories.

At the same time, attempts are being made to legitimize the separatist-terrorist regime established in the occupied territories; from time to time "elections" are held to the "power bodies" of the puppet regime. The impudence of the aggressor has gone so far that it has established a post called "president of the Nagorno-Karabakh republic" and tries to legitimize it.

Illegal operations are being carried out in the Nagorno-Karabakh region and other occupied territories. Trafficking in arms and human beings, disposal of radioactive wastes, brutal plundering of natural resources and the training of terrorist groups and illegal armed groups financed by the revenues from the cultivation, processing, transportation and production of narcotics cause serious concern. The Nagorno-Karabakh region and seven surrounding districts now have become zones of operation for different international terrorist organizations.

It has been over 15 years since Azerbaijan became the target of Armenian terrorism. From the beginning of the aggression by Armenia against our country the Armenian terrorist organizations have committed 32 acts of terror against Azerbaijan. The victims of the terror have been civilians of the cities and villages, transport communications, communication means and public infrastructure. Numerous subversive acts were perpetrated on the roads and railways and in seaports, airports, metro stations, buses and other public transport vehicles. As a direct consequence of these acts, over 2,000 Azerbaijani citizens have been killed and tens of thousands of people injured. Azerbaijan and its people have suffered huge material and moral damage.

In order to justify their territorial claims to the neighbouring States, including the Republic of Azerbaijan, and to camouflage the policy of occupation, genocide and State terrorism, the Armenian nationalists, by using all means, try to make the international community accept their fabrications, as if in 1915 they had been subjected to genocide and were "offended, oppressed and humiliated people". Unfortunately, the Parliaments and Governments of several States that shut their eyes to real genocide, such as the tragedy of Khojaly, and in a number of cases international organizations affected by the influence of the deceitful Armenian propaganda, or basing themselves upon the current political circumstances, have made the myth about "Armenian genocide" into a topic of debate, and have even adopted baseless and unjust documents in this regard.

Researchers committed to the scientific truth, including Western scholars, proved a long time ago that there had never in history been any "Armenian genocide". The fabrication about the "Armenian genocide" is a product of morbid imagination and based on forged documents. Recently, Turkey provided access to the Ottoman archives, inviting researchers, including Armenian scholars, to come and get to know the historical documents dating back to the beginning of the twentieth century. However, the refusal by the Armenian scholars to take part in the scientific discussion reveal the true worth of those who disseminate the myth about "Armenian genocide".

In reality, since the end of the nineteenth century, using the covert and open protection of tsarist Russia and other States, the Armenian nationalists cherished an illusion of creating "greater Armenia" and perpetrated acts of genocide and terror at different times in eastern Anatolia and the South Caucasus, with the intention of cleansing the territories they wanted to occupy, brutally killing about 2 million innocent people. From 1905 to 1907 and from 1918 to 1920, in Iravan, Daralayaz and Zangazur (nowadays in the territory of the modern Republic of Armenia), Tiflis, Nakhchivan, Baku, Ganja, Karabakh, Shamakhy, Guba, Mughan, Lenkaran and other places of Azerbaijan, the civilian Azerbaijani people were subjected to genocide. During the genocide perpetrated in March 1918, over 30,000 civilians were killed in Baku, the capital city of Azerbaijan. Thus millions of innocent people fell victim to the brutality of the Armenian nationalists. At present, 31 March is marked in our country as a day of genocide of the Azerbaijanis.

After the establishment of Soviet power in Armenia and Azerbaijan, a big portion of the Azerbaijani territories was annexed to Armenia with the help of the Bolshevik regime. Hundreds of thousands of Azerbaijanis remaining in the territory of Armenia were granted no autonomy, whereas the Armenians in Azerbaijan enjoyed autonomy within the Nagorno-Karabakh Autonomous Region. And so the Armenian nationalists created a basis for the future territorial claims against Azerbaijan, which resulted in further tragedies that took place at the end of the twentieth century and still continue in the South Caucasus.

During the period of more than the last 100 years, a number of generations of the Armenian people have been brought up in a spirit of animosity and hatred against the Turkish and Azerbaijani peoples. The efforts of Armenian "scholars" have resulted in the falsification of the history of the region. The history of the Armenians has been artificially changed, exaggerated and presented as an ancient one; an intensive campaign of moral aggression has been conducted against the Azerbaijanis. Taking advantage of the conditions at the end of the 1980s, the

Armenian nationalists first completed the forcible deportation of hundreds of thousands of Azerbaijanis who were the primordial inhabitants of the territory of the Republic of Armenia, and then launched an open military aggression against Azerbaijan in order to carry out their territorial claims against our country. Thus, the policy of occupation and genocide, fuelled by the ideology of hatred, has led to the present situation.

Using the atmosphere of impunity and the support of the foreign forces that are not interested in the establishment and maintenance of peace and stability in the region, the leadership of the Republic of Armenia does not hide its real intentions at all. Beginning in 1989 the Parliament of Armenia adopted a number of unlawful acts on the "unification" of Armenia and Nagorno-Karabakh. The action plans of the Armenian Government include militaristic provisions regarding Nagorno-Karabakh, while the leaders of Armenia make irresponsible statements saying that Nagorno-Karabakh will never be a part of Azerbaijan.

One of the factors that hamper the settlement of the Nagorno-Karabakh problem is the predominance of a fear of coercion in Armenian society and the existence of an intolerant atmosphere for dissent and for views regarding the Armenia-Azerbaijan conflict that differ from the official ones. In 1999, on the eve of the OSCE Istanbul summit, an unforeseen and unbelievable event took place in the Parliament of Armenia, unprecedented in the history of the modern world, even in the countries with reactionary regimes: a number of armed persons entered the session hall of the Parliament and shot some high-ranking officials of the Parliament and the Government.

Expressing the sovereign will of the Azerbaijani people, the Milli Mejlis of the Republic of Azerbaijan declares once again that the Republic of Azerbaijan will never agree to the seizure of sovereignty in a part of its territory or the outrageous occupation and separation of its primordial lands, and will resort to all possible means in order to achieve the restoration of its territorial integrity.

Demanding the implementation of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) on complete, immediate and unconditional withdrawal from all the occupied territories of Azerbaijan, the Milli Mejlis of the Republic of Azerbaijan calls for the settlement of the Nagorno-Karabakh problem on the basis of the decisions and final documents of the OSCE Budapest, Lisbon and Istanbul summits and the recommendations and decisions of the Parliamentary Assembly of the Council of Europe.

Reaffirming the position of the Republic of Azerbaijan on the peaceful settlement of the Armenia-Azerbaijan conflict over Nagorno-Karabakh, the Milli Mejlis of the Republic of Azerbaijan demands that the co-Chairs of the OSCE Minsk Group exert an influence on the aggressor that has occupied its neighbour's lands and that it proceed, while elaborating the ways of peaceful settlement of the conflict, from the universally recognized norms and principles of international law, in particular the most fundamental ones — the territorial integrity and inviolability of borders of States.

The Parliament of Azerbaijan calls upon the Armenian side to take a constructive position in the peace process and to refrain from actions which stalemate the talks within the OSCE Minsk Group and complicate the restoration works to be carried out in the region after the settlement.

The international community should not remain indifferent to the violation of the sovereignty and territorial integrity of the Republic of Azerbaijan. It has to call the aggressor by its proper name and render assistance in the withdrawal of Armenia from the occupied Azerbaijani territories and the return of the refugees and internally displaced persons to their homes. Considering it necessary and demanding to discuss the issue of the Armenia-Azerbaijan conflict in the United Nations General Assembly, the Milli Mejlis of the Republic of Azerbaijan appeals to the Inter-Parliamentary Union, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Black Sea Economic Cooperation Organization, the Inter-Parliamentary Assembly of the Commonwealth of Independent States, the Parliamentary Union of the Organization of the Islamic Conference, the European Parliament, the NATO Parliamentary Assembly and the other international organizations, Parliaments and Governments of the world to support the just cause of Azerbaijan and to contribute to the peaceful solution of the Nagorno-Karabakh conflict on the basis of universally recognized norms and principles of international law and to the restoration of the territorial integrity of our country.

Adopted at the session of the Milli Mejlis (Parliament) of the Republic of Azerbaijan on 6 May 2005.

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Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

Identical letters dated 23 May 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the contents of the letter dated 12 May 2005 addressed to you by the Permanent Representative of Israel concerning violations of the Blue Line in southern Lebanon. In that connection, your attention is drawn to the following:

1. It was Israel that violated the Blue Line when its army fired a missile at Lebanese territory on 9 May 2005. That fact is noted on page 9 of the Secretary-General's monthly report of 18 May 2005 to the Security Council concerning the situation in the Middle East. Furthermore, at 14 hours, on 21 May 2005 Israeli forces positioned on Radar hill fired heavy artillery rounds on the border town of Shab'a. That attack damaged four houses belonging to Lebanese citizens and terrorized the peaceful inhabitants of the region. The two above-mentioned violations are part of a series of attacks perpetrated by Israel against Lebanon that are periodically reported to you. The most recent such violation was notified to you in our letter dated 5 May 2005 and published under document symbol A/59/799-S/2005/304 in which it was reported that Israel committed a total of 76 violations of Lebanese sovereignty during April 2005 alone.

2. Israel continues on a nearly daily basis to violate the Blue Line and to violate Lebanon's sovereignty, including through violations of its airspace by Israeli warplanes. Such violations are in blatant defiance of the Secretary-General's calls on Israel for their cessation, most recently in the Secretary-General's appeal of 9 May 2005 contained in document SG/SM/9864, and of Security Council resolution 1583 (2005) of 28 January 2005, paragraph 7 of which draws attention to such violations, which it describes as continuing.

3. The violations by Israel of Lebanese sovereignty are contrary to resolution 425 (1978), which calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon, for a cessation of military action against Lebanon (paragraph 2) and for the restoration of international peace

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and security in the region. Israel, through the above-mentioned acts, bears responsibility for any consequences to which such acts may give rise. Lebanon calls upon the United Nations to assist it in compelling Israel to put an end to its aggression.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

United Nations A/59/811

General Assembly

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24 May 2005
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Fifty-ninth session
Agenda item 148
Measures to eliminate international terrorism

Note verbale dated 18 May 2005 from the Permanent Mission of Mauritius to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith a copy of the Port Louis Declaration, adopted by the Regional Ministerial Conference of French-speaking Countries of Africa for promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal counter-terrorism instruments (Annex I), together with the report of this Conference, which was held at Port Louis from 25 to 27 October 2004 (Annex II).

The Permanent Mission of Mauritius would be grateful if the Secretary-General of the United Nations would bring the Port Louis Declaration to the attention of the General Assembly of the United Nations.

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Annex I to the note verbale dated 18 May 2005 from the Permanent Mission of Mauritius to the United Nations, addressed to the Secretary-General

Port Louis Declaration

Adopted by the Regional Ministerial Conference of French-speaking Countries of Africa for promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal counter-terrorism instruments

Port Louis, 25-27 October 2004

On 27 October 2004,

We, the Ministers of Justice and appointed delegations of Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Mauritius, Morocco, Niger, Rwanda, Sao Tomé and Principe, Senegal, Togo and Tunisia,

In the presence of the following specialized agencies and bodies of the United Nations: the United Nations Office on Drugs and Crime and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and of the following regional and international organizations: the Agence intergouvernementale de of la Francophonie, the Indian Ocean Commission, the League of Arab States, the Organization of the Islamic Conference and the African Union,

Participating in the second Regional Ministerial Conference of French-speaking Countries of Africa for promotion of the ratification and implementation of the United Nations conventions on combating terrorism, corruption and transnational organized crime and of the universal counter-terrorism instruments, held at Port Louis from 25 to 27 October 2004,

Noting with satisfaction the support of the following specialized agencies and bodies of the United Nations System: the United Nations Office on Drugs and Crime and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, and of the following regional and international organizations: the Agence intergouvernementale de of la Francophonie, the Indian Ocean Commission, the League of Arab States, the Organization of the Islamic Conference and the African Union,

Affirming, pursuant to United Nations Security Council resolutions 1373 (2001) and 1566 (2004), the unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with the principles enshrined in the Charter of the United Nations, international law and the relevant international conventions,

Considering that transnational organized crime, corruption and acts of terrorism pose a serious threat to human rights, hinder the social and economic development of all States and undermine global stability, peace and prosperity,

Noting with concern the close ties which exist between international terrorism, transnational organized crime and corruption,

Convinced that strengthened international cooperation is an absolute priority in combating transnational organized crime, corruption and terrorism;

Recalling in that regard that, through its resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001, the General Assembly of the United Nations adopted the United Nations Convention against Transnational Organized Crime and the three Additional Protocols thereto, which constitute effective instruments of international cooperation in combating transnational organized crime;

Welcoming the General Assembly's adoption, through its resolution 58/4 of 31 October 2003, of the United Nations Convention against Corruption, open for signature until 9 December 2005, and the adoption of the African Union Convention on Preventing and Combating Corruption on 11 July 2003,

Taking note of the treaty event entitled "Focus 2004: Treaties on the Protection of Civilians", held at United Nations Headquarters from 21 to 24 September 2004 during the general debate of the fifty-ninth session of the General Assembly, another objective of which was to speed up the process of ratification of or accession to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Recalling with satisfaction the entry into force of the Palermo Convention on 29 September 2003, of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 25 December 2003, and of its Protocol against the Smuggling of Migrants by Land, Sea and Air on 28 January 2004,

Recalling also General Assembly resolution 58/140 of 22 December 2003, which invites all States to support the operational activities of the United Nations Crime Prevention and Criminal Justice Programme through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, or through voluntary contributions in direct support of such activities,

Welcoming the issuance of the Cairo Declaration, adopted on 4 September 2003 at the Regional Ministerial Conference of French-speaking Countries of Africa for the promotion of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as document A/C.3/58/4 of the General Assembly of the United Nations,

1. Express our sincere gratitude to the Government of the Republic of Mauritius, and particularly to the Ministry of Justice, for having hosted and supported the Regional Ministerial Conference of French-speaking Countries of Africa held at Port Louis on 25, 26 and 27 October 2004, and to the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie, which jointly organized it;

2. Warmly congratulate the French-speaking countries of Africa which, since the adoption of the Cairo Declaration, have ratified the United Nations

Convention against Transnational Organized Crime, the Protocols thereto and other universal counter-terrorism instruments;

3. Recommend that the French-speaking countries of Africa which are not yet parties to the Convention, the Protocols thereto or the universal counter-terrorism instruments should ratify or accede to them as soon as possible;

4. Warmly congratulate the French-speaking countries of Africa which have already ratified the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption;

5. Recommend that the French-speaking countries of Africa which are not yet parties to the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption should sign and ratify them as soon as possible;

6. Call on the French-speaking States of Africa to adopt implementing legislation incorporating the provisions of the aforementioned instruments in order more effectively to suppress organized crime, corruption and terrorism;

7. Stress the importance of the principle of due process of and respect for human rights in criminal proceedings initiated against transnational organized crime, corruption and terrorism and the need to ensure the protection of victims, especially women and children;

8. Recommend that the French-speaking States of Africa should participate actively in the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005, in order to describe to other States the reforms that they have enacted and to exchange views and experiences;

9. Also recommend that the French-speaking States of Africa should participate in the next session of the Conference of States Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna from 10 to 21 October 2005;

10. Invite donors and international and regional organizations to provide technical, financial and practical assistance in order to support participation of the French-speaking countries of Africa in the Conference of States Parties to the Palermo Convention and their efforts to ratify, accede to and implement the Convention against Transnational Organized Crime, the Protocols thereto, the universal counter-terrorism instruments and the United Nations Convention against Corruption, including through the payment of voluntary, substantial and regular contributions to the special account for the United Nations Crime Prevention and Criminal Justice Fund;

11. Stress the importance of coordinating efforts at the national, subregional, regional and international levels in order to strengthen global action against organized crime, terrorism, corruption and the serious threat that they pose to international security and, to that end, request the French-speaking countries of Africa to establish appropriate mechanisms for collaboration and coordination at the national level with support from the African Centre for Study and Research on Terrorism (ACSRT) of the African Union;

12. Request the United Nations Office on Drugs and Crime, in cooperation with the Agence intergouvernementale de la Francophonie and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders and in coordination with the competent intergovernmental bodies, to develop training programmes for judges, police and other public officials involved in implementation of the United Nations Convention against Transnational Organized Crime, the Protocols thereto and the universal counter-terrorism instruments, following the example of the seminar held at Tangiers (Morocco) from 4 to 6 October 2004;

13. Request that priority should be given to highly diversified exchanges of expertise and technical assistance that are as well adapted as possible to countries' needs, such as awareness-raising seminars, workshops and transposition training, practical implementation manuals, training courses for practitioners and methodological assistance with the preparation of national reports for submission to the Counter-Terrorism Committee;

14. Recommend that the Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols, prepared by the United Nations Office on Drugs and Crime, should be disseminated to the French-speaking countries;

15. Encourage the competent United Nations programmes, funds and bodies, especially the United Nations Development Programme; the international financial institutions, especially the World Bank; and the regional and national financing bodies to support the technical operational activities conducted by the United Nations Office on Drugs and Crime, the Agence intergouvernementale de la Francophonie and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, with respect to crime prevention and criminal justice;

16. Invite the French-speaking countries of Africa to conduct annual evaluations of progress achieved with respect to the ratification of, accession to and rapid implementation of these instruments by providing relevant information to the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie;

17. Invite the President of the Conference to bring this Declaration to the attention of the General Assembly of the United Nations at its fifty-ninth session.

Annex II to the note verbale dated 18 May 2005, addressed to the Secretary-General by the Permanent Mission of Mauritius to the United Nations

Regional Ministerial Conference of French-speaking Countries of Africa for the ratification and implementation of the United Nations Conventions on combating terrorism, corruption and transnational organized crime and universal counter-terrorism instruments

Port Louis, Mauritius, 25-27 October 2004

Report

I. Introduction

1. The Regional Ministerial Conference of French-speaking African Countries for the ratification and implementation of the United Nations Conventions against corruption, transnational organized crime and the universal anti-terrorism instruments was held at Port Louis, Mauritius from 25 to 27 October 2004. This meeting was jointly sponsored by the United Nations Office on Drugs and Crime (UNODC) and the Agence intergouvernementale de la Francophonie (AIF) with the cooperation of the Government of Mauritius. It is a direct result of the Cairo Declaration, adopted on 4 September 2003 at the conclusion of the Regional Ministerial Conference of the French-speaking Countries of Africa to promote the ratification of the United Nations Convention against Transnational Organized Crime (CTO) and its additional protocols. This Declaration requested the AIF and UNODC to set up a support and follow-up mechanism for their implementation by States, by implementation, to their benefit, of exchanges of expertise and technical assistance of the most varied kind and adapted to their needs.

II. Organization of the Conference

A. Opening of the Conference

2. The Conference was opened by His Excellency Mr. Pravind Jugnauth, Deputy Prime Minister and Minister of Finance and Economic Development of Mauritius, followed by four statements.

3. In his opening address, Mr. Jean-Paul Laborde, representative of UNODC, underlined the capital importance of the Mauritius meeting, which offered Ministers of Justice an opportunity to receive an update on progress made and difficulties encountered since the Cairo Conference, to evaluate the legislative changes necessary and to explore the new fields of operation opened by the adoption of the United Nations Convention against Corruption. He also thanked the Government of Mauritius for the warm welcome and fine organization of the Conference.

4. Next, Mr. Pasteur Nzinahora, representative of AIF, expressed the thanks of his organization to the host country, before recalling the main purpose of the meeting, which demonstrated the continuing interest of Ministers of Justice in the development of cooperation and mutual exchange. He stressed the degree to which

the strengthening of the rule of law was affected by the combating of international criminal activity in all its forms.

5. Mr. Emmanuel Jean Leung Shing, Minister of Justice and Human Rights of Mauritius, then took the floor to welcome his counterparts and all the participants, and to reveal that the choice of Mauritius to host the Conference had been neither accidental nor fortuitous, given his country's repeatedly demonstrated commitment to contribute to the global fight against impunity for the crimes that offended the universal conscience. To combat the scourges of terrorism, transnational organized crime and corruption effectively, he stressed the imperative need for the countries of Africa to unite and work together.

6. Mr. Pravind Jugnauth, Deputy Prime Minister and Minister of Finance and Economic Development, thanked UNODC and AIF for choosing Mauritius to host this important event and stressed the need for a combined offensive by States to counter the global crime industry. He detailed the efforts undertaken by Mauritius to combat the crimes that were the subject of the Conference and promised the participants the unwavering support of his country's Government for the success of the objectives of the meeting. He then declared the Conference open.

B. Participation

7. The Ministers and delegations representing the following French-speaking States of Africa participated in the Conference: Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Mali, Morocco, Mauritania, Mauritius, Niger, Democratic Republic of the Congo, Rwanda, Sao Tomé and Principe, Senegal, Togo and Tunisia.

The following organizations and institutes also participated in the Conference as observers: the League of Arab States, the Organization of the Islamic Conference, the African Union and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

8. The detailed list of participants is contained in annex III.

C. Election of the Bureau and adoption of the agenda

9. After the opening of the Conference, the representative of Egypt proposed that the Minister of Justice and Human Rights of Mauritius, the host country, should be elected President of the Conference by acclamation. This proposal was immediately accepted by all delegations. After his election, the President proposed that the representatives of Senegal and Egypt should be elected Vice-Presidents and nominated Cameroon and Guinea as co-rapporteurs. The Conference endorsed these proposed nominations by acclamation.

The Bureau of the Conference was composed of the following:

President:

His Excellency Mr. Emmanuel Jean Leung Shing, Minister of Justice and Human Rights of Mauritius

Vice-Presidents:

His Excellency Mr. Serigne Diop, Minister of Justice of Senegal
His Excellency Mr. Iskandar Ghattas, Secretary of State for Justice of Egypt

Rapporteurs:

Mr. Michel Mahouvé, representative of Cameroon

Mr. Sekou Keita, representative of Guinea

The participants subsequently adopted the agenda and organization of work attached in annex I.

III. Proceedings of the Conference

10. Technical presentations were made on the various items of the agenda, following which the participants exchanged views on their experience and expectations.

A. Implementation of the Cairo Declaration: follow-up and support to the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the universal anti-terrorism instruments

11. The representatives of the United Nations Office on Drugs and Crime made a detailed presentation on the progress made by the French-speaking States of Africa in the ratification of the Convention and its three protocols concerning trafficking in persons, illicit trafficking in migrants and manufacture of and illicit trafficking in firearms, as well as in the ratification of the universal anti-terrorism instruments.

The participants welcomed the quality of the reports produced, which had highlighted the very positive elements directly related to the commitments made in the Cairo Declaration. In particular, it was noted that, since the Cairo Ministerial Conference, the number of ratifications or adherences to the instruments in question had markedly increased.

The representatives of the Office made available to participants Legislative Guides for the implementation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, which would support States in their efforts to ratify and implement those instruments.

12. Each participating delegation then presented national reports on that agenda item. It was noted that since the Cairo Conference:

- a noticeable effort had been made by most States present to sign and ratify the universal instruments against organized crime, terrorism and corruption or to accede to them;
- although some States had completed the internal procedures for ratification or accession, they had not yet deposited the instruments with the depositary indicated in each of those international treaties;
- the implementation of the instruments ratified was more or less in effect or in progress;
- the delay experienced by certain other States in signing, ratifying or acceding to these instruments was essentially due to political, institutional or economic crises they had undergone or were undergoing, a situation which nevertheless did not affect their desire to become parties.

13. After these reports, the League of Arab States, the Organization of the Islamic Conference, the African Union and the United Nations African Institute for the

Prevention of Crime and the Treatment of Offenders underlined the importance of this Conference, and affirmed that they were fully prepared to take up these initiatives and participate in their actions in this field.

B. Presentation of the Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols

14. At the request of the Counter-Terrorism Committee of the United Nations Security Council, a Guide for the incorporation into legislation and the implementation of the anti-terrorism instruments had been developed by the United Nations Office on Drugs and Crime for use by French-speaking States and presented at the Port Louis Ministerial Conference in implementation of the Cairo Declaration.

The purpose of this Guide is to assist States in the ratification, incorporation into domestic law and implementation of anti-terrorism instruments. This working tool was particularly welcomed by the participants, who recommended its broadest possible dissemination.

C. United Nations Convention against Corruption: overview, prospects and promotion of its entry into force and future work with a view to its effective application

15. The representatives of the United Nations Office on Drugs and Crime presented the objectives, structure and essential elements of the United Nations Convention against Corruption, as well as the signatures and ratifications of the instrument. It was pointed out that the ten ratifications registered to date out of the thirty necessary for its entry into force included two French-speaking African States.

D. African Union Convention on the Prevention and Combating of Corruption

16. An expert from the Agence intergouvernementale de la Francophonie presented a comparative study of the United Nations Convention against Corruption and the African Union Convention on the Prevention and Combating of Corruption, noting their complementarity. He did, however, underline the low number of ratifications: four out of the fifteen necessary for its entry into force.

While noting the usefulness of this regional instrument, the participants mentioned the risk of potential jurisdictional conflicts in the event of the proliferation of legal instruments on the same subject.

E. Necessary measures for the implementation of those instruments

17. Noting the technical difficulties related to the deposit of the instruments of ratification of the conventions and protocols, it was considered useful to specify the modalities.

18. The delegates unanimously expressed the need for the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie to continue to provide and further develop technical assistance appropriate to States.

19. On the subject of combating corruption, a particular effort for the ratification of the United Nations Convention among French-speaking African States was urged, so that they would have adequate representation at the Conference of States Parties once that instrument entered into force, and could thus take an active part in its monitoring mechanism. The same ratification efforts should be undertaken with

regard to the African Union Convention on the Prevention and Combating of Corruption.

20. Furthermore, the participants considered that it was important expressly to designate a focal point within each Ministry of Justice with responsibility for follow-up on those matters.

21. Considering the results obtained since the Cairo Declaration and the proven usefulness of its monitoring mechanism, the delegates wished to see the Ministerial Conference held annually.

22. Finally, the participants also requested that the Port Louis Declaration should be brought to the attention of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok from 18 to 25 April 2005.

IV. Port Louis Declaration

23. At the conclusion of their work, the Ministers and Heads of delegations adopted the Port Louis Declaration, contained in annex II.

V. Closure of the session

24. His Excellency Mr. Emmanuel Jean Leung Shing, Minister of Justice and Human Rights of Mauritius, presided over the closing ceremony. The representatives of the United Nations Office on Drugs and Crime and the Agence intergouvernementale de la Francophonie, after thanking the participants for the high quality of their work and the Government of the Republic of Mauritius for the excellent organization of the Conference, undertook to continue and expand their actions in support of States.

His Excellency Mr. Emmanuel Jean Leung Shing drew attention to the dangers of cybercrime, invited participants to pay close attention to that worrisome phenomenon, and stressed the importance of beginning work on a new United Nations instrument without delay. He expressed particular thanks to His Excellency Mr. Serigne Diop, Minister of Justice of Senegal, for his invitation to host the next Regional Ministerial Conference of the French-speaking African Countries in Dakar in 2005.

Finally, on behalf of all the delegations, the representative of Egypt expressed his warmest thanks to the Republic of Mauritius.

His Excellency Mr. Emmanuel Jean Leung Shing, after thanking UNODC and AIF for the excellent manner in which they had organized its work, declared the Port Louis Conference closed.

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Letter dated 24 May 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the "Summary of main points concerning the presence of the terrorist Luis Posada Carriles in the territory of the United States of America" (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 148, "Measures to eliminate international terrorism", and of the Security Council.

(*Signed*) Rodney **López Clemente**
Ambassador
Chargé d'affaires a.i.

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Annex to the letter dated 24 May 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Summary of main points concerning the presence of terrorist Luis Posada Carriles in the United States of America

Update as at 13 May 2005

On 11 April 2005 the Government of the Republic of Cuba condemned the possible presence of terrorist Luis Posada Carriles in the United States. That information has subsequently been confirmed.

Posada Carriles is a dangerous international terrorist who is subject to judicial proceedings in the Bolivarian Republic of Venezuela, along with Orlando Bosch Ávila, also a terrorist, now residing in the United States, for sabotaging a Cuban airliner off the coast of Barbados in 1976, an act that cost the lives of 73 innocent persons.

Posada Carriles, who has a long record of criminal actions against Cuba and other nations, led terrorist organizations in the 1960s, 1970s and 1980s that, under the direction of the intelligence agencies of the United States Government, carried out multiple actions against Cuba and against other countries which maintained relations with the island.

Luis Posada Carriles was also known as a torturer in the Venezuelan Directorate-General of Intelligence and Protection Services (DISIP) during the 1970s, when he held senior posts in that repressive body.

More recently, in 1997, Posada Carriles led, from his base in El Salvador, a network of terrorists who placed explosive devices in Cuban hotels and tourist sites that caused material and human losses, including the death of the Italian tourist Fabio di Celmo. In an interview he gave to the *New York Times*, published on 12 and 13 July 1998, Posada admitted having led that terrorist network.

In 1985 Posada escaped from a Venezuelan prison while he was on trial for sabotaging the Cuban airliner. He is therefore a fugitive from justice in the Bolivarian Republic of Venezuela.

He reappeared in El Salvador in 1985 at the notorious Ilopango airbase, working with the also notorious Lieutenant Colonel Oliver North, who, on orders from the President of the United States, was supplying arms to the Nicaraguan "contras" as part of the dirty war being waged against the Sandinista Government from that Central American country.

In November 2000, Luis Posada Carriles, along with three accomplices, was detained in Panama as he was planning an attack against the President of the Republic of Cuba, who was attending the Tenth Ibero-American Summit that was being held in Panama. Posada and his accomplices planned to place a potent C-4 explosive charge in the auditorium of the University of Panama at a time when President Fidel Castro would be meeting with hundreds of Panamanian students and professors. The explosive materials that were to be used in the attack were seized by the authorities of the Republic of Panama.

The Government of President Mireya Moscoso, using trumped-up arguments and lies, rejected the extradition request which Cuba had submitted for the crimes committed by Posada Carriles and his accomplices against the Cuban people prior to the incidents in Panama. The request was based on a voluminous extradition file of over 2,000 pages, submitted in a timely manner and in accordance with all the rules governing such procedures in the Panamanian Judicial Code.

While in jail, Posada Carriles continued to lead his terrorist network and to lay the groundwork for an escape similar to the one he had carried out in the Bolivarian Republic of Venezuela years earlier. At that time he was receiving support from representatives of the terrorist Cuban American National Foundation, based in Miami, a front for the United States Central Intelligence Agency (CIA) created by the administration of President Ronald Reagan to carry out actions against Cuba.

During 2001 and 2002, he received numerous visits from Santiago Álvarez Fernández Magriña, who was tasked by terrorist groups in Miami with funding his defence and finalizing the escape plans, which he coordinated with Nelsy Ignacio Castro Matos in Central America.

The visits by those individuals to Panama ended in 2002 when the Government of Cuba requested the Panamanian authorities to detain the two provisionally for the purposes of extradition, in view of their participation in terrorist acts against Cuba, including recent infiltrations into Cuba for the purposes of sabotage that were thwarted by the Cuban State security forces. However, their efforts to free Posada Carriles and his accomplices did not end.

As reported by the Panamanian newspaper *La Estrella de Panamá*, then United States Secretary of State Colin Powell and Otto Reich, director of Western hemisphere affairs at the National Security Council in the administration of President George W. Bush, asked President Mireya Moscoso to free the terrorists during their visits to Panama.

The former United States ambassador to Panama, Simón Ferro, who has long-standing ties to the Cuban American National Foundation, was tasked with coordinating the release of these individuals with the Panamanian Government, as demonstrated by the telephone call which former President Moscoso made to Ferro immediately following her granting of a pardon to the four defendants in Panama. During that call, as widely reported by the Panamanian press, she informed him that she had complied with the request.

Luis Posada Carriles was sentenced to eight years in prison by a Panamanian court at a trial in which the charges of unlawful association for criminal purposes and possession of explosives were inexplicably omitted. Those charges were fully proven during the trial and would have significantly increased his sentence in Panama. The sentence was appealed by lawyers for the plaintiff organizations, which represented Panamanian labour, student and indigenous associations whose members would have died had the attack been carried out, and by the lawyer for the terrorist.

He remained in prison until August 2004, when he was fraudulently pardoned by then President Mireya Moscoso, even though the judicial process had not been completed, and despite the repeated warnings by the Government of Cuba as to the consequences that would follow from a pardon or if he were allowed to escape. Pardoned along with Posada Carriles were his three accomplices detained in

Panama, Gaspar Eugenio Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Rodríguez.

His move from Panama to Honduras was carefully planned in Miami. Two aircraft were used. One of them would fly Gaspar Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón to Miami, where they were publicly welcomed as heroes by their comrades in the terrorist organizations based in that city, where they now move about with impunity. The second aircraft, in which the terrorist Santiago Álvarez Fernández Magriña was travelling, headed for San Pedro Sula, Honduras, with Luis Posada Carriles on board.

He entered Honduras with a United States passport in the name of Melvin Cloide Thompson, and was welcomed and protected by Rafael Hernández Nodarse, head of the terrorist structure established in that Central American country. These facts were extensively reported by the Honduran press.

Since then, and until his recent entry into the United States, Posada Carriles has been travelling around Central America with a false passport.

On 14 March 2002, the Mexican newspaper *Que Quintana Roo Se Entere* reported that the shrimp vessel *Santrina*, registered in the United States, had run aground on the El Farito reefs facing Islas Mujeres with five crew members on board. Among them was the captain, José Pujol, a long-time CIA agent known as "Pepín", who, after the vessel had moved off the reef, refused to give information to the media about the reasons for his strange presence in that port.

Also crewing the *Santrina* was Santiago Álvarez Fernández Magriña, the same terrorist who supported Posada Carriles on instructions from the Cuban American National Foundation while he was in prison in Panama, and who was aboard the aircraft that took Posada from Panama to Honduras. The newspaper also reported that the *Santrina* had been thoroughly inspected by the Mexican authorities.

Also on board, in addition to the two individuals mentioned, was Rubén Darío López Castro, long known as a member of the terrorist organizations Alpha 66 and National Democratic Unity Party (PUND), who, among other misdeeds, participated in the murder of the Cuban fisherman Luis Tormo Mirabal on 4 October 1973. He was detained by the Bahamian authorities in 1992 while planning terrorist actions against Cuba. He participated in the 1995 attack against the Guitart Cayo Coco Hotel in Cuba and in planning an attack against the President of Cuba in the Dominican Republic, and was a member of the team which, together with Posada Carriles, Jiménez Escobedo, Novo Sampoll and Remón, organized the attempted assault against the commander in chief, Fidel Castro Ruz, in Panama in 2000.

Two days later, another Quintana Roo newspaper, *Por Esto*, reported that the aforesaid vessel had been given a routine inspection by, inter alia, the migration authorities, Sanidad Internacional and the port authority, who found no irregularities. The newspaper added that the crew members' passports were in order. It also stated that the vessel had left the Bahamas and was heading for Miami. It further reported that upon returning to Miami, the vessel would, according to its captain, be converted into a school for diving and underwater exploration.

It should be noted that, while the *Santrina* is registered in the name of an alleged marine ecology foundation called the "Caribbean Dive and Research Foundation", its owner is none other than the aforesaid Santiago Álvarez Fernández

Magriña. On 21 April 2004, the Social and Environmental Network of Quintana Roo, an organization representing institutions engaged in ecological research and preservation in that Mexican state, told the newspaper *Por Esto* that the alleged "ecological protection foundation" which had served as a cover for the operation was unknown to it. The Network added that it maintained contact with its counterparts in many countries, including the United States, and that it was the first time it had ever heard of the so-called "foundation". On 4 May, in the light of his reiterated appeals to the United States authorities to locate the *Santrina* in the port of Miami, and his warnings that the vessel could "disappear" or be hidden to conceal the movement of Posada Carriles, President Fidel Castro Ruz denounced the reports in the Miami press that the *Santrina* had already been transformed and converted into a kind of "academy" in order to lend credence to the story that had been concocted by its crew in Islas Mujeres.

Furthermore, the Quintana Roo newspaper *Por Esto* reported on 26 April that observers aboard a motorboat in the vicinity of the shrimp vessel *Santrina* while it was refuelling had clearly seen six persons hiding on it, whereas the vessel's exit declaration for Miami reported only five. The report added that when the *Santrina*'s crew members realized they were being observed, one of the persons who had been hiding ran inside the vessel.

It should also be noted that the route from the Bahamas to Miami is not exactly Mexican territory, so that it was obvious from the beginning that there had to be other reasons for stopping at a port in the state of Quintana Roo.

Days later, on 31 March, the newspaper *El Nuevo Herald*, known for its anti-Cuban stance and its ties to terrorist elements of Cuban origin in Miami, reported that Luis Posada Carriles was in that city, which he had entered by a sea route, and that it was considered feasible that the United States Government would grant him residence in view of the services he had provided to that country's armed forces. It should be noted that the date of the terrorist Posada's reported arrival in the United States coincides with the date on which the *Santrina* was reported to have docked in Miami.

The newspaper itself acknowledged, however, that Posada's past, being linked to terrorism, could create a dilemma for the United States authorities, and it quoted Santiago Álvarez Fernández Magriña as saying that he would support Posada Carriles by providing him with any legal representation he might need.

According to press reports, on 13 April, two days after the Cuban criticism had begun, the lawyer for the terrorist announced in Miami that he had requested political asylum in the United States for his client, since he "has promoted the interests of the United States for approximately four decades". As reported, Eduardo Soto, the lawyer for Posada Carriles, added that he "has been registered as an official member of the CIA since the early 1960s" and "is also a member of the United States army".

Soto declined to reveal Posada's whereabouts, but said that he might have his first interview with the Miami immigration authorities at the end of that week or the beginning of the following one.

On 5 May, Attorney Eduardo Soto again reiterated that his client, terrorist Luis Posada Carriles, would appear before the United States immigration authorities when requested to do so, in accordance with the asylum petition he had filed.

Since 11 April, in statements delivered by President Fidel Castro Ruz, the Government of Cuba has condemned the presence of terrorist Luis Posada Carriles in the United States and has shown convincing proof that he is in the United States despite the authorities' public and private refusals to acknowledge his presence.

In that connection, the Cuban President has recalled that on 26 August 2003, President George W. Bush said, "if you harbour a terrorist, if you feed a terrorist, you're just as guilty as the terrorist". And the Cuban President has stated that the protection which Washington was providing to Luis Posada Carriles by not recognizing his presence in the United States "was an insult to the United States citizens who died in the Twin Towers".

The President of the Republic of Cuba has repeatedly called upon the United States Government, and particularly on President George W. Bush, to say whether he does or does not know that terrorist Luis Posada Carriles has been in the United States for over a month and a half, having also ensured that Luis Posada Carriles moved to the United States from Quintana Roo aboard the vessel *Santrina*, which made such a suspicious stop at Islas Mujeres.

The Cuban President also informed the international media that persons who saw Posada Carriles walking through the streets of Islas Mujeres, after entering Mexican territory via Chetumal, have already come forward.

The President of the Republic of Cuba has made it clear that the admission of terrorist Luis Posada Carriles into the United States would constitute not only a violation of United States anti-terrorism legislation, but also of resolution 1373 (2001), adopted by the United Nations Security Council on 28 September 2001 under Chapter VII of the Charter of the United Nations, following the 11 September 2001 attacks in New York and Washington.

At the same time, the Cuban President has recommended urgently to the United States Government that it proceed, with the vast resources of its intelligence and security agencies, to search for the *Santrina* and those who, like the terrorist Santiago Álvarez Fernández Magriña, know the whereabouts of Posada Carriles. It has also alerted the Government in Washington to the possibility that, following the Cuban condemnation, the terrorist may now be "disappeared" or assassinated.

The President of the Republic of Cuba also reported that on the evening of 20 April 2005, on a programme broadcast by TV channel 41 in Miami, Santiago Álvarez Fernández Magriña acknowledged his participation in terrorist acts against Cuba. On that programme, Fernández Magriña also acknowledged, unequivocally and categorically, that Posada Carriles is specifically in Miami, Florida, and that he, Álvarez Magriña, is in constant contact with Posada.

On 22 April Commander-in-Chief Fidel Castro Ruz recalled the penalties incurred under United States law by anyone who illegally smuggles into the United States a person lacking a valid United States passport or visa, or who smuggles an undocumented person into the United States, or moves him within the United States, or conceals his presence in the United States, or enables him to live clandestinely in the country. Such penalties are far more severe if the person involved is a criminal or a terrorist, as is the case with Posada Carriles. Under the laws of the United States, merely for helping a terrorist to enter the United States illegally, moving him within the country, concealing his presence and providing him with means of subsistence in Miami, each of the accomplices could be sentenced to 35 years in

prison and the payment of hundreds of thousands of dollars in fines. Moreover, United States law also provides that any vessel used to smuggle human contraband into the country — in this case, the shrimp vessel *Santrina* — shall be impounded.

In this context, the President of the Republic of Cuba has made it clear that the impunity of terrorist Luis Posada Carriles and those like Santiago Álvarez, who brought him into the United States and are now protecting him, is obviously a form of blackmail against the United States Government, for which they always worked. Everything seems to indicate that Washington fears the revelations that might be made by these terrorists concerning the involvement of the United States Government in terrorist acts over the decades, especially against Cuba.

The Government of the Republic of Cuba has also called upon the authorities of Costa Rica and Guatemala to investigate the movement of terrorist Posada Carriles through their territories, and on the Government of Mexico to investigate the terrorist's presence in a Mexican state.

The Cuban President also reported that the Mexican Congress has adopted a resolution calling upon the Government, in particular, the Ministry of the Interior and the Office of the Attorney-General, to investigate how Posada Carriles entered Mexico. The Mexican Congress also expressed concern at the support provided for that operation by the terrorist Cuban American National Foundation based in Miami. President Fidel Castro urged President Vicente Fox to ask the United States Head of State, George W. Bush, what he knows about the case of terrorist Luis Posada Carriles.

The Government of the Bolivarian Republic of Venezuela has announced that it will seek the extradition of terrorist Luis Posada Carriles, an action supported by the Government of the Republic of Cuba. President Fidel Castro Ruz has said that Cuba is willing to have this dangerous international terrorist tried by a Venezuelan court or by an international court.

On 3 May the Supreme Court of Justice of the Bolivarian Republic of Venezuela ruled that the extradition request for Posada Carriles submitted by the Public Prosecutor's Office was valid; the request is still being processed by the Venezuelan Ministry of Foreign Affairs. The extradition request was fully supported by the National Assembly of the Bolivarian Republic of Venezuela.

The Cuban President also warned of the manoeuvre, already announced, whereby the Government of El Salvador would request the extradition of terrorist Luis Posada Carriles for a lesser crime, punishable only by a fine, in yet another attempt to help the terrorist escape justice, a move already criticized by Salvadoran political organizations and parties, despite recent statements by President Saca that El Salvador would not grant asylum to Posada.

With regard to the legality of granting political asylum to Posada Carriles in the United States, the Cuban President cited the opinion of José Pertierra, a well-know attorney of Cuban origin based in Washington and an expert on immigration issues, that was published in the online periodical *Rebelión*. In that article, the Cuban-American legal expert analysed United States law and concluded that Posada Carriles was not eligible for asylum in the United States or for residence in the United States or for parole, and therefore was not eligible for benefits under the Cuban Adjustment Act.

In other words, Attorney Pertierra made it clear through solid legal arguments that United States legislation does not offer even the smallest pretext for the United States Government to grant asylum to Posada Carriles or to authorize him to reside permanently in the United States, and that the only option open to Washington is to detain the terrorist and proceed to deport him.

After more than a month and a half had passed with no response to the subpoenas sent by the Cuban President, on 4 May Roger Noriega, Assistant Secretary of State for Western Hemisphere Affairs, stated that his Government did not even know whether Luis Posada Carriles was in the United States and had no information as to his whereabouts. Mr. Noriega also said that the United States Government had no interest in granting asylum to someone who was guilty of criminal acts, and that the case would be dealt with in a "private, serious and transparent way".

With regard to these statements by Mr. Noriega, the President of the Republic of Cuba publicly read out articles that had appeared in the Miami press questioning why the United States Government would want to deal "privately" with the case of a criminal acknowledged as such by the United States official himself. These newspapers doubted that it would be possible to deal with the case in a way that was both "private" and "transparent", and asked whether Washington would take action against other terrorists living in Miami and against the accomplices of Posada Carriles, since he was not the only one implicated in the terrorist acts attributed to him.

The attorneys for the terrorist, a team reinforced with lawyers of the stamp of Kendall Coffey, the former Miami district attorney, who led the team that tried to keep young Elían González in the United States, and Joaquín Chafardet, who represented Posada Carriles in Caracas when he was tried for blowing up a Cuban airliner in 1976, have stated that the request for asylum would proceed normally, regardless of the statements by Assistant Secretary Noriega.

President Fidel Castro, in all his appearances, has emphasized that it is impossible for the United States Government to be ignorant of the whereabouts of Luis Posada Carriles, when, for one thing, the application forms for asylum in the United States require an address where the applicant can be reached. Moreover, Posada's accomplices, Santiago Álvarez Fernández Magriña, for one, have clearly stated that they know where he is, so that all that is required is to question and investigate them.

As the Cuban President made public at the time, *The Miami Herald*, a daily newspaper, reported on 26 April that a Federal Bureau of Investigation (FBI) spokesperson had stated that the Bureau, an organ of the United States Department of Justice, did not have jurisdiction in the case of terrorist Posada Carriles, since there was no warrant out for his arrest. The article raised the question of how the Italian people, the Italian Government and the Italian media would react to a decision that would allow Luis Posada Carriles to stay freely in the United States, considering that an Italian citizen, Fabio di Celmo, had been one of those killed as a result of Posada's terrorist acts.

It is obvious that the United States Government has been put in an embarrassing situation as a result of its own lies and inconsistencies. Even the well-known and prestigious magazine *Newsweek* reported in its issue of 3 May that the

question of terrorist Luis Posada Carriles was so sensitive that it had been brought to the attention of the Secretary of Homeland Security, the National Security Council and the White House, which was having a difficult time justifying its actions in the case in the light of its declared "war on terrorism".

The case has already elicited reactions in the United States Congress. On 1 May, the President of the Republic of Cuba informed the Cuban people that Republican Senator Norman Coleman, in a recent letter, confirmed that the Department of Homeland Security had received an asylum request from Posada Carriles and had explained that "because of his past acts of terrorism that that he has, by his own admission, claimed to have planned and carried out, Mr. Carriles is not eligible for asylum".

On 6 May President Fidel Castro Ruz referred to a letter sent to the Department of Homeland Security by Representative William Delahunt, member of the House Subcommittee on the Western Hemisphere, and provided to *Newsweek* magazine, in which he criticized the lack of action of the United States authorities, which he termed "hypocrisy", in view of the evidence linking Posada Carriles to terrorism. Congressman Delahunt urged the FBI to investigate.

President Fidel Castro, in a speech given before more than 1,300,000 Cubans on 1 May, recognized the importance of investigations by the United States press, given the failure of the country's authorities to act.

Legal manoeuvres of various kinds are under way in the United States in an effort to allow Posada Carriles to remain free and safe from prosecution in that country.

It has been argued, for example, that if he could not remain in the United States he would be taken to Cuba and condemned to death. The Cuban President has said repeatedly that there is not the slightest possibility that Posada will be tried in Cuba, and he made that known from the start in order not to give any pretext for not extraditing him to be tried in the Bolivarian Republic of Venezuela, where, moreover, the law does not provide for capital punishment.

Attorneys for the terrorist argue that under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no one may be extradited to a country where he or she may be tortured, and they are preparing to launch a campaign around the possibility that Posada Carriles might be tortured in the Bolivarian Republic of Venezuela and then to raise that argument before the courts in Miami.

What they omitted to say is that it is not fitting for a torturer like Posada Carriles to be seeking the protection of the Convention against Torture.

To mention only one example, Jesús Moreno, a Venezuelan citizen, recently declared on the Venezuelan television programme "En Confianza" that he was tortured in 1973 on the orders of Posada Carriles when the latter was a member of the Venezuelan intelligence service, DISIP.

During the two months he was detained, Moreno was subjected to abuse and torture by thugs under the direction of Posada Carriles. Moreno also maintains that a high-ranking DISIP official aided and abetted Posada's escape from the Venezuelan prison.

Cuba has requested that the court that tries Posada Carriles should also try Orlando Bosch, another known terrorist, who now walks openly about the streets of Miami.

President Fidel Castro has publicly presented plentiful evidence of the links between Posada Carriles and Orlando Bosch, with revealing details about their criminal activities conducted under the protection of the United States authorities, who cannot bring themselves to act in order to put a stop to the impunity that such repugnant individuals enjoy in that country.

President Fidel Castro has reported that, during a trip to Chile, Bosch and the terrorist organization Command of United Revolutionary Organization (CORU) agreed to eliminate prominent Chileans living in exile on orders from the military junta headed by Pinochet. During the period from January 1974 to November 1975, General Carlos Prats and his wife were assassinated in Argentina; Bernardo Leighton, Vice-President of the Chilean Christian Democratic Party, was attacked in Rome; and 14 terrorist attacks were made on Cuban diplomatic missions in a number of countries.

Despite his criminal record, Bosch was freed in February 1988 by the Venezuelan authorities at that time; he then moved to Miami, received a presidential pardon from the first President Bush and continues to boast of his lengthy terrorist record, without showing the least sign of repentance.

Any decent person would feel repugnance on hearing the shameless statements made publicly by Orlando Bosch in interviews with the press in the Bolivarian Republic of Venezuela and the United States (most recently a few days ago), in which he justifies terrorism against innocent persons and shows not the least remorse for his vicious acts. On the contrary, he boasts of his murderous attacks.

When Orlando Bosch was pardoned by President George Bush senior, the United States Government was aware of all his misdeeds, in part because the first President Bush had been the Director of the CIA during the era of its contacts with Posada Carriles and Bosch.

Orlando Bosch was even among the guests invited by President George W. Bush to a celebration on 20 May 2002 in Miami, which shows what close ties exist between the White House and individuals of this kind.

Highly revealing documents which have had global repercussions were published on 10 May 2005 on the website of the National Security Archive at George Washington University (http://www.gwu.edu/~nsarchiv/).

The documents in question are 14 declassified CIA and FBI documents that convincingly show that Posada Carriles was recruited by and worked for the CIA and was responsible, together with Orlando Bosch, for blowing up the Cubana airliner in 1976. They also show that another terrorist allowed into the country without questioning by the United States Government, Guillermo Novo Sampoll, was directly involved in the assassination of former Chilean Foreign Minister Orlando Letelier. The documents make it clear that the United States Government was always well informed about the terrorist acts committed by these individuals.

The documents bring to light Posada's long-standing ties with the CIA since the days of the Playa Girón invasion (he was in one of the ships but did not land). While serving in the United States military from 1963 to 1965, he was trained in

demolition using explosives. Apparently the CIA terminated him in July 1967 but reinstated him four months later and retained him until 1974. However, the Agency's own documents confirm that he remained in regular contact — significantly, as it happens — up to the founding of the terrorist organization CORU in June 1976, three months before the sabotage of the Cuban airliner, and reveal Posada's active participation, after he escaped from jail in Caracas, in operations to supply weapons to the Nicaraguan contras from a base at Ilopango in El Salvador, under the orders of Lt. Col. Oliver North, a high-ranking official in the Reagan Administration and on the payroll of the White House and the Department of State.

The documents show that on the day after the downing of the airliner, the FBI had already firmly identified Bosch and Posada Carriles as responsible for planning the bombing. That shows that the United States Government did know from the start that the two terrorists were involved in blowing up the Cuban airliner, and instead of responding to the call of the Trinidadian and Venezuelan authorities for help in the investigation, it kept quiet and concealed the evidence.

The declassified documents also reveal the close connection that has long existed between Posada Carriles and the Cuban American National Foundation (CANF), especially its former leader, Jorge Mas Canosa, and their financing of his terrorist activities.

The Foundation has been the sponsor of many sabotage operations and attacks against the Cuban people. CANF was the main source of financing for the bombing of hotels and other tourist sites in Havana in 1997.

An FBI document dated as early as 7 July 1965 contains information on a payment made by Jorge Mas Canosa, then head of the terrorist organization Cuban Representation in Exile (RECE), to Posada so that he might sabotage ships anchored in Mexican ports.

The President of the Republic of Cuba has issued stern warnings about the legal responsibility that the President of the United States could incur, since the latter, by the powers vested in him, is obliged to act in cases like these and to keep the American people informed.

Cuba would take it very seriously if the United States Government were to permit Luis Posada Carriles to remain in the United States with impunity, grant him asylum or allow him, through legal manoeuvres, to move freely about the country. Such actions would be in contradiction to the "war on terrorism" that the United States Government has declared and the military actions it has undertaken in Iraq and Afghanistan, which have cost hundreds of thousands of lives, in the name of such a war.

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Agenda item 58
Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe

Security Council
Sixtieth year

Letter dated 23 May 2005 from the Permanent Representatives of Greece and Romania to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the Bucharest Declaration adopted at the eighth meeting of the Heads of State and Government of the States participating in the South-East European Cooperation Process (SEECP) (see annex).

The Summit was held in Bucharest on 11 May 2005. On that occasion, Greece took over from Romania the Chairmanship-in-Office of SEECP for the next term.

We should be grateful if the present letter and its enclosure could be distributed as a document of the General Assembly, under agenda item 58, and of the Security Council.

(*Signed*) Adamantios Th. **Vassilakis**
Ambassador
Permanent Representative of Greece to the United Nations

(*Signed*) Mihnea Ioan **Motoc**
Ambassador
Permanent Representative of Romania to the United Nations

05-35752 (E) 260505

Annex to the letter dated 23 May 2005 from the Permanent Representatives of Greece and Romania to the United Nations addressed to the Secretary-General

Bucharest Declaration adopted at the eighth meeting of the Heads of State and Government of the States participating in the South-East European Cooperation Process

The Heads of State and Government of the States participating in the South-East European Cooperation Process (SEECP), namely Mr. Alfred Moisiu, Mr. Borislav Paravac, Mr. Georgi Parvanov, Mr. Stjepan Mesic, Mr. Kostas Karamanlis, Mr. Branko Crvenkovski, Mr. Traian Basescu, Mr. Vojislav Kostunica, and Deputy Prime Minister and Minister of Foreign Affairs Mr. Abdullah Gul, met in Bucharest on 11 May 2005, on the occasion of the Eighth Summit of the SEECP, in order to assess the progress of SEECP during the Romanian Chairmanship (April 2004-May 2005) and envisage new ways of developing cooperation within its framework. President Vladimir Voronin was participating as observer.

Present at the meeting were the following Ministers of Foreign Affairs: Mr. Kastriot Islami, Mr. Mladen Ivanic, Mr. Petros Molyviatis, Mr. Mihai-Razvan Ungureanu, Chairman-in-Office of the SEECP, Mr. Vuk Draskovic. Also participating were Mr. Nikolay Milkov, Deputy Foreign Minister, Mrs. Marija Pejcinovic Buric, State Secretary, Ambassador Volkan Bozkir, Deputy Under-Secretary and Ambassador Mr. Tihomir Ilievski. Mr. Andrei Stratan, Deputy Prime Minister and Minister of Foreign Affairs, participated as observer.

Also participating as special guests were: Mr. Olli Rehn, EU Commissioner for Enlargement, Mr. Jan Kubis, OSCE Secretary General, Mr. Klaus Schumann, Director General, Council of Europe, Mr. Erhard Busek, Special Co-ordinator of the Stability Pact for South-Eastern Europe, Mr. Lawrence Rossin, Deputy Special Representative of the United Nations Secretary-General and Deputy Head of UNMIK, Mr. William Hill, Head of OSCE Mission to Moldova, and Mr. Alexandru Ionas, Acting Director of the SECI Center.

Reaffirming the importance of further improving regional cooperation in order to ensure lasting peace, stability and economic prosperity in the SEECP participating States and for strengthening the political profile of SEECP as "the voice of the region par excellence" and as a driving force to European and Euro-Atlantic integration;

Reaffirming their commitment to act jointly towards achieving the aims and principles embodied in the Bucharest Charter on Good-Neighbourly Relations, Stability, Security and Cooperation in South-Eastern Europe and all relevant SEECP documents;

Sharing the understanding that significant progress in promoting democracy, market economy and a strong civil society in the SEECP participating States has been achieved and remains a prerequisite to enhance cooperation at the regional level;

Recognizing that SEECP participating States face common risks and challenges that require increased cooperation for an adequate response;

The Heads of State and Government of the States participating in the South-East European Cooperation Process:

1. *Express* their deep regrets for the death of Pope John Paul II, who will be remembered for his excellent leadership of the Catholic Church and strengthening peace, freedom, democracy and the respect for human rights.

2. *Welcome* the achievements made during the Romanian Chairmanship-in-Office in enhancing the political profile of the SEECP as the genuine "voice of the region" or partner of dialogue with other regional structures. The meetings at the level of Ministers, Political Directors, as well as other SEECP events organized during this period, have contributed to strengthening the cooperation between the participating States and to enlarging the area of their joint endeavour.

3. *Welcome* the Republic of Croatia's full-fledged participation in the SEECP and the Republic of Moldova's participation in the SEECP activities with observer status. We took note of the recent application of the Republic of Moldova to become a participating state. We have tasked the Committee of Political Directors to review favourably this request in the light of the Bucharest Charter and its Annex and report in time with the aim of adopting a decision in the next SEECP Summit.

4. *Welcome* the progress achieved in the European integration processes of the States in the region, as reflected in the EU Council's decisions during the past months.

5. *Recognize* the significance of the activities developed under the framework of the Adriatic Charter as a valuable instrument designed to support the member States endeavour to join NATO as well as the importance of sustained efforts by the interested participating States towards accession to the Partnership for Peace. We shall continue to support their efforts through the MAP process.

6. In the context of enhanced regional stability as a major precondition for advancement of democratic processes, the participating States *stress* the importance of respect for sovereignty, territorial integrity and inviolability of borders. In addition, we underline the principles of respect for international law and uphold of dialogue as means for peaceful settlement of disputes.

7. *Express* their commitment to consolidate the role of the SEECP as a platform of European and Euro-Atlantic integration for the participating States and, to that end, to join efforts for enhancing cooperation in relevant areas, such as justice and home affairs. In doing so, the SEECP participating States will encourage initiatives originating from the South-Eastern European region.

8. *Emphasize* their commitment to continue to develop the military dimension of the regional cooperation in South-East Europe, by building upon the positive experience resulted from the organization of the Conference on Defence Conversion (Bucharest, March 2005).

9. *Reiterate* their resolve to further cooperate in fighting non-conventional threats to the regional security and stability, such as terrorism, organized crime, corruption, illegal trafficking in all its aspects, and *recognize*, in this respect, the importance of the initiative launched under the Romanian Chairmanship-in-Office, concerning the Joint Campaign against Organized Crime and Corruption. Continued efforts should be made in order to increase the effectiveness of this campaign at full regional scale, including through coordination with national initiatives and programmes, so as to

properly address the challenges facing the SEECP participating States. The work of the Consultation Group on Fighting Organized Crime and Corruption, as part of the mechanism designed to support the implementation of the campaign, has proved useful. *Recognize* the importance of ratifying the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime.

10. *Express* their intention to support increased and more effective cooperation between the Regional Center for Combating Trans-border Crime in Bucharest (the SECI Center) and the European Union's specialized institutions, as a means to sustain the latter's actions against corruption and organized crime. Express their support for the speedy elaboration of the Action Plan, as mentioned in the March 18 Resolution of the Joint Cooperation Committee of the SECI Center, which includes drafting a new legal base for the functioning and future development of the Center.

11. While aiming to achieve European standards, we reaffirmed the importance of modernization of border control and facilitation and harmonization of visa regimes, respecting European Union commitments of the participating States.

12. *Reaffirm* their commitment to strengthen economic cooperation within the South-Eastern European region, through increasing the volume of trade, promoting business partnerships and implementing joint projects with regional impact.

13. *Reiterate* their will to continue the implementation of internal economic reforms so as to ensure the improvement of national and regional business-friendly environment and the development of small and medium-sized enterprises.

While addressing the problem of unemployment and under-employment, a priority remains the adoption of the necessary measures aimed at promoting efficient, job creating entrepreneurship and for increasing employment in the region as highlighted during the Conference on Entrepreneurship and Employment in South-Eastern Europe, organized in May 2004 under the aegis of the Romanian Chairmanship-in-Office.

Reconfirm that there is an urgent need for structural reforms and policies establishing social cohesion both at national and regional levels.

Also *reconfirm* their determination to take the necessary steps for harmonizing the national legislation with the *acquis communautaire* and preparing the economies in order to meet the objectives of the EU newly-proposed "Growth and Jobs" Strategy.

14. *Express* their readiness to sign and ratify as soon as possible the Treaty establishing the Energy Community in South-Eastern Europe, as the fulfilment of the Athens Process.

15. Taking account of the irreversibility of the European integration processes under way for the South-East European countries, the paramount importance of the Thessaloniki Agenda for the Western Balkans, as well as the objective necessity for more efficient links with the European Union being a basic precondition for a lasting stabilization of the region;

Taking account of the forecast expressed by the EU that by 2020, the volume of traffic between the EU and its current neighbours is expected to double;

Considering that the realization of regional infrastructure projects of international interest will contribute to strengthening good-neighbourly relations and communication among the peoples in the region;

Convinced that complete economic growth and prosperity in the region are impossible without comprehensive activity for reconstruction, construction and connection of the regional infrastructure;

Wishing to facilitate the international transportation of passengers, goods and energy resources through the construction of a modern, environmentally friendly, highly efficient regional infrastructure;

Acknowledging regional infrastructure's importance for fostering tourism in South-Eastern Europe and transforming the region into a desired destination for people from all around the world;

Relying on the progress of social and economic reforms, the consolidation of democracy and the state of law achieved by the countries in the region;

Expressing dissatisfaction with the current status of the regional infrastructure and the lack of significant investments in this area;

We highly appreciate the draft *Declaration of the SEECP participating States on the development of the regional infrastructure* submitted by the Republic of Bulgaria and taking note that the next Chairmanship-in-Office will organize a Ministerial Meeting on Trans-European Networks of Transport, Energy and Telecommunications in South-Eastern Europe, we ask the Ministers to work on the proposal, either to be adopted at the mentioned meeting or to be endorsed at the next SEECP Summit.

16. The participants acknowledge the strategic importance of the Danube, a European river, linking countries that share the same interests and goals. They express their commitment to make full use of the potential for economic, environmental, cultural cooperation that the Danube provides to the development of the South-Eastern European region.

17. *Reaffirm* their commitment to explore opportunities for increased regional cooperation in areas such as environment protection, social protection, health, education, tourism and other fields of mutual interest, which became priorities in South-East Europe.

18. *Reaffirm* their readiness to continue cooperation between the SEECP and other regional initiatives, and the Stability Pact for South-Eastern Europe in particular. In this respect the cooperation with the Stability Pact Anti-corruption Initiative and the Stability Pact Initiative for fighting against Organized Crime has proven useful.

Confirm their interest to launch initiatives of cooperation with the Black Sea riparian States, including through the Black Sea Economic Cooperation Organization (BSEC), in various projects of mutual interest.

19. *Welcome* with satisfaction the improvement and positive developments of regional cooperation in the field of migration, asylum and refugees and, in this regard, the signing of the Memorandum of Understanding of the MARRI Regional Forum, and the establishment of the Regional MARRI Center in Skopje, as well as the conclusions of the MARRI Ministerial Conference held in Tirana (5 April 2005).

Consider this development as an important achievement aimed at promoting the concept of SEECP "regional ownership and leadership".

20. *With regard to the situation in Kosovo they express their support* of the full implementation of the standards policy, respect of the Security Council resolution 1244 (1999), and call for a renewed and constructive dialogue between Pristina and Belgrade. The process of standards' evaluation and the commencement of negotiations on the future status of Kosovo as well as the establishment of a democratic and multi-ethnic society are of great significance for the region's overall stability.

21. *Emphasize* the importance to continue to organize regionally a reflection process, also at think-tank level on the developments and perspective of Kosovo.

22. *Welcome* the consolidation of SEECP's parliamentary dimension and praise the results of the Conference of the Chairmen of the Foreign Affairs and European Integration Committees from the national Parliaments of the SEECP Participating States (March 2005) as reflected in the respective adopted documents.

23. *Share* the view that the SEECP activities both at the European and international level need to be more visible and consider that dialogue should be continued on the enhancement of the SEECP, while transforming the Process into a genuine policy maker.

We welcome the intention of the incoming Greek Chairmanship-in-Office to give impetus to the cooperation process by enhancing its political visibility and present proposals for reinforcing its institutional capacity. We also took note of the willingness of the next Greek Chairmanship-in-Office to present concrete proposals on the issue of a SEECP Secretariat.

24. *Encourage* the creation of the SEECP official website, as a step forward to raise the public awareness on SEECP activities.

25. *We reiterate* our strong and unequivocal condemnation of the acts of terrorism in Iraq, resulting in loss of innocent civilians and hostage takings of people from our countries and we *reaffirm* our strong support to international efforts aimed at defeating this global threat.

26. *Express* their solidarity with the Bulgarian nurses sentenced in Libya and call for additional diplomatic efforts to obtain their earliest possible release, underlining at the same time their sympathy with infected Libyan children and their families.

Express their sadness for the losses caused by the floods affecting Romania and Serbia and Montenegro, and support the actions meant to minimize the damages and suffering of the population living around the border.

27. *Express* their gratitude to President Traian Basescu, the Government and the people of Romania, for the warm hospitality extended to them during the Eighth Summit Meeting of the South-East European Cooperation Process in Bucharest.

28. *We decide* that during the period 2006-2007 the Chairman-in-Office will be H.E. Mrs. Kolinda Grabar-Kitarovic, Minister of Foreign Affairs and European Integration.

29. *Welcome* the incoming Greek Chairmanship-in-Office, and decide that the next meeting of the Heads of State and Government of the SEECP countries will be held in Thessaloniki in 2006.

Bucharest, 11 May 2005

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Follow-up to the outcome of the Millennium Summit

Macroeconomic policy questions

Follow-up to and implementation of the outcome of the International Conference on Financing for Development

Advancement of women

Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Human rights questions

Measures to eliminate international terrorism

Letter dated 16 May 2005 from the Permanent Representatives of Chile and Mali to the United Nations addressed to the Secretary-General

On instructions from our respective Governments, we attach herewith the document entitled: "Santiago commitment: cooperating for democracy" adopted at the third ministerial conference of the Community of Democracies at the conclusion of its work in Santiago, Chile from 28 to 30 April 2005 (see annex).

We should be grateful if you would arrange for this letter and its annex to be circulated as General Assembly documents under agenda items 55, 83, 84, 98, 99, 105 and 148.

(*Signed*) Cheick Sidi **Diarra**
Ambassador
Permanent Representative of the Republic of Mali to the United Nations

(*Signed*) Heraldo **Muñoz**
Ambassador
Permanent Representative of Chile to the United Nations

05-35887 (E) 090605 140605

Annex to the letter dated 16 May 2005 from the Permanent Representatives of Chile and Mali to the United Nations addressed to the Secretary-General

[Original: English]

THE COMMUNITY OF DEMOCRACIES
2005 SANTIAGO MINISTERIAL COMMITMENT
"COOPERATING FOR DEMOCRACY"
30 April 2005

We, the Participants in the Third Ministerial Conference of the Community of Democracies held in Santiago on April 28-30, 2005 approve:

Reaffirming the vital importance of the observance of the provisions of the Charter of the United Nations, the International Bill of Human Rights, as well as the fundamental principles of international law.

Recommitting to act in accordance with universally recognized standards of human rights with the purpose of strengthening dialogue and cooperation between states, peoples and individuals.

Reaffirming further our commitment to the "Warsaw Declaration: Toward a Community of Democracies", approved at the First Ministerial Conference on June 27, 2000 in Warsaw, and to the implementation of the "Seoul Plan of Action: Investing for Peace and Prosperity," and the "Community of Democracies Statement on Terrorism," adopted at the Second Ministerial Conference, held in Seoul on November 16, 2002, declare that:

We renew our conviction that democracy, sustainable development, peace, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social, and cultural systems and their full participation in all aspects of their lives.

We reaffirm that education in human rights and democracy is essential for participation in the democratic process and governance.

We recognize, in line with the Seoul Plan of Action, that respect for human rights – civil, political, economic, social and cultural – including freedom of expression, freedom of the press and freedom of religion and conscience; access to and free exercise of power in accordance with the rule of law; the holding of periodic free and fair elections based on secret balloting and universal sufferage monitored by independent election authorities; freedom of association, including the right to form independent political parties; separation of powers, especially an independent judiciary; and constitutional subordination of all state

institutions, including the military, to the legally-constituted civilian authority, are essential elements of democracy.

We are also convinced that democracy cannot be sustained without strict adherence to the principle of non-discrimination, including protection for persons belonging to national or ethnic, religious and linguistic minorities and indigenous peoples, and persistent efforts to eliminate extreme poverty, underdevelopment, marginalization, economic disparities, and social exclusion.

We reaffirm our commitment to uphold the values of tolerance and compromise that underpin effective democratic systems and to promote respect for pluralism, so as to enable societies to retain their multicultural characters. We firmly reject ethnic and religious hatred, violence, and other forms of extremism.

We take note of the significant expansion in the number of democracies over the last half century and welcome the progress made thus far towards achieving goals and objectives contained in the Warsaw Declaration and the Seoul Plan of Action. We believe that increasing the number of democratic nations and supporting the development and strengthening of emerging democracies helps to build a safer world in which individuals, women and men equally, can live freely and in an environment of peace, stability, and well-being characterized by respect for the rule of law. To that end, we reiterate our commitment to supporting processes of transition to democracy, to the strengthening of institutions and democratic processes, at the national, regional and international levels, and to working in partnership with those promoting democracy, including civil society. The democratization of the multilateral system, particularly the United Nations (UN), is the necessary counterpart to democratic practice within nations. Every nation that practices democracy must strive to ensure that in international affairs decision-making is equally open, transparent legitimate and equitably representative.

In the Millennium Declaration, all members States of the UN have pledged to strengthen their capacity to implement the principles and practices of democracy. In this context, we emphasize that the UN plays a central role in achieving such objectives and we pledge to support the further expansion and strengthening of its activities to broaden and reinforce democratic trends throughout the world. Given that democratic governance is a key element for development, security and human rights, our governments will actively engage in the discussion of UN reform initiated by the Secretary-General's recent report "In larger freedom: towards development, security and human rights for all."

Truthful to the guiding tenets expressed in the Warsaw Declaration and with the aim of continuing implementing the Seoul Plan of Action, we therefore adopt this Commitment, which represents the agenda for the activities of the Community of Democracies based upon reflections on the situation of democracy worldwide at the dawn of the 21st Century, reiterating our firm will to promote and strengthen democracy domestically, regionally and globally, in particular through appropriate international organizations and institutions.

I. Democratic Governance and Civil Society.

We are committed to enhancing the participation of a dynamic civil society at the domestic and international level, and we encourage non-governmental organizations who are actively promoting activities to strengthen and support democracies and respect for human rights worldwide. To that end we will,

1. Promote and protect human rights and fundamental freedoms to foster the empowerment of a vital civil society and the elimination of all forms of discrimination and intolerance.

2. Encourage a culture of tolerance, actively promoting dialogue and mutual respect, by developing educational and other programs aimed at the prevention of violations of human rights, war crimes and crimes against humanity.

3. Cooperate and build partnerships with civil society in pursuit of the rule of law, human rights, democratic governance and institution building. Promote regular dialogue between governmental and civil society actors, to exchange ideas on strengthening domestic democratic development, effectively fighting corruption, promoting and protecting human rights, upholding the government's integrity and good governance, fighting poverty, promoting transparency and access to information via free media, promoting development and dialogue at the international level to support democracy in regional and international fora.

4. Promote an environment for the strengthening, democratization, innovation and modernization of political parties and other political organizations, in order to achieve a democracy in which citizens are full participants. Special attention will be paid to the implementation of free and fair elections, including the transparent and impartial administration of elections, and establishing a transparent system for their financing.

5. Encourage the full participation of women on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, as a fundamental element in the promotion and exercise of a democratic culture.

6. Affirm that democracy demands an active participation of young people. We express our commitment to promote among youth a set of democratic values and we urge all countries to implement strategies, policies, programs and concrete measures designed to foster education for democracy and encourage the contribution of youth in all areas of society.

7. Acknowledge that the promotion and strengthening of democratic governance is a shared responsibility of all public authorities, civil society and political parties.

8. Welcome the work of the Non-Governmental Process of the Community of Democracies as a significant contribution to the government and civil society dialogue and we encourage its participants to support the implementation of this Ministerial Commitment and participate in future Ministerial Meetings of the Community of Democracies as appropriate.

II. Poverty, Development and Democratic Governance.

We recognize the importance our citizens place on the improvement of living conditions. We also recognize the mutually reinforcing benefits that democratic process offers to achieve sustained economic growth and poverty eradication.

We recognize the importance of the progressive realization, in all countries, of the economic, social, and cultural rights as constituting a solid basis for the economic and political empowerment, including the progressive improvement of the quality of life of all individuals.

We reaffirm the principles outlined in the Monterrey Consensus: good governance at both national and international levels is essential for sustainable development. Sound economic policies, solid democratic institutions responsive to the needs of the people, and improved infrastructure are the basis for sustained economic growth, poverty eradication, and employment creation. Freedom, peace and security, domestic stability, respect for human rights, including the right to development, and the rule of law, gender equality, market oriented policies, and an overall commitment to just and democratic societies are also essential and mutually reinforcing.

In this sense, we identify as a main mission of the Community of Democracies the strengthening of democratic governance as an essential component of our efforts to alleviate poverty and support economic growth and sustainable human development and our common pursuit of growth, poverty eradication, inequality reduction and sustainable development, and achieving the internationally-agreed goals, including those contained in the Millennium Summit Declaration. To that end we will

1. While emphasizing the primary responsibility that each country has for its own economic and social development, and the role of national policies and development strategies, underline the importance of a democratic, transparent, and enabling international economic environment.

2. Seek to assist each other in economic and social development, including eradication of poverty, as an essential contributing factor to the promotion and preservation of democratic development.

3. Work with international and regional development organizations and one another to improve the design and implementation of poverty reduction strategies which support democratic institution building. Countries that promote the rule of

law, including respect for human rights and good governance, seek to eliminate corruption and invest in their people are in a position to better utilize development assistance and promote aid effectiveness.

4. Support concrete actions at the national, regional and international level on Financing for Development, in fulfillment of the commitments of the Monterrey Consensus and recall the commitments made to increase the level and effectiveness of official development assistance and encourage further progress towards the target of 0.7 per cent of gross national product.

5. Encourage efforts to enhance political support to chart a practical path for development financing and the promotion of development. We note with great interest the "Initiative Against Hunger and Poverty" and other related initiatives, as innovative programs to bridge the gap between political undertaking and development financing.

6. Foster the creation of jobs to confront poverty and strengthen democratic governance and promote the exercise of workers' rights in the frame of the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work and the protection of the rights of workers overseas.

7. Encourage men and women to develop their full potential to create an educated public who can participate in the national decision-making process by strengthening education, health services and other basic needs, by promoting the progressive realization of the right to education and the right to the highest attainable standard of physical and mental health and strengthening other basic needs.

8. Jointly work for a successful conclusion of the Doha Development Round, which is vital to economic development, empowerment and reduction in poverty.

9. Seek cooperation schemes which tend to achieve not only respect for civil and political rights, but also economic, social and cultural rights, so as to attain societies wherein all persons are able to fully exercise their rights.

10. Support the elaboration of an expanded and comprehensive response to the HIV-AIDS pandemic, which places an enormous drag on economic growth, weakens governance and security structures, and cooperate on seeking adequate resources to reverse the spread of HIV-AIDS.

III. Regional and Interregional Cooperation for Democratic Governance.

Guided by the tenet of due respect for sovereignty and the principle of non-interference in internal affairs as provided for in the Charter of the United Nations and the Warsaw Declaration, we intend to continue promoting inter- and cross-regional democratic progress and cooperation, and to that end we will,

1. Continue to contribute with technical expertise and cooperation to countries requesting assistance to build democratic institutions.

2. Promote dialogue among civilizations, to strengthen a culture of peace and respect for racial, religious and cultural diversity.

3. Utilize lessons learned, including those applicable from other regions, to encourage and assist emerging democracies to develop and strengthen adherence to human rights, fundamental freedoms and principles of democracy, as well as to regionally-agreed upon democracy charters.

4. Promote cooperation between regional and global organizations and institutions, in particular the United Nations, in their work to foster education for democracy.

5. Support the work of non-governmental and inter-governmental organizations for their contributions to the process of democratic consolidation in the world.

6. Commend the ten-year achievements of the International Institute for Democracy and Electoral Assistance (IDEA) and encourage it to continue working in partnership with international and national organizations, producing and applying comparative analysis and experience and expertise in democracy building and consolidation.

7. Support institutions operating within the framework of international law, from which practical assistance in democracy-building is available to countries seeking access to experience, skills and resources. Support the setting up of the Budapest International Center for Democratic Transition. As part of the Center's close working relationship with existing institutions, we appreciate its cooperation with the Community of Democracies and with relevant regional and international organizations.

IV. Democracy Caucus within the United Nations and Other Multilateral Fora to Support Democracy.

We will strengthen our process of informal consultation and coordination, wherever possible, at the UN and other international and regional organizations on democracy related issues,

through, among others, informal coalitions and caucuses to support democracy. To that end we will seek to,

1. Continue convening as an informal democracy caucus at the UN General Assembly and the Commission on Human Rights (CHR), in order to consult, coordinate possible actions and foster cooperation to deepen democratic governance, protect human rights, and to promote and improve democratic practices.

2. Consult and promote, where possible, on actions in relevant areas at the UN General Assembly, the CHR, the Economic and Social Council (ECOSOC) and other bodies as needed, to strengthen the international mechanisms to support democracy, looking forward to the creation of the UN Democracy Fund.

3. Meet on a regular basis with Non Governmental Organizations (NGOs) that have been active in advocating the promotion of democracy at the UN to facilitate an exchange of views about how best to build, strengthen, and assist their work.

4. Give serious consideration to the candidacy of countries contributing effectively to the promotion and protection of democracy and human rights worldwide in bodies which focus on elements of democratic governance.

5. Welcome the recognition of the work of the Community of Democracies, made by the UN Secretary General in his Report "In larger freedom: towards development, security and human rights for all."

6. Encourage cooperation with the International Conference of New or Restored Democracies as an intergovernmental forum to promote and consolidate democratic governance in emerging and restored democracies. We welcome the holding of the 6th international Conference of New or Restored Democracies in Qatar in 2006.

V. Regional Organizations, Promoting Democracy, and Responding to National and Transnational Threats and Challenges to Democracy.

We express our determination to promote a series of effective, timely, and expeditious regional cooperation procedures to ensure the promotion and defense of democracy. To that end we will,

1. Encourage the exchange of experiences between regions, to develop or strengthen mechanisms in regional organizations' charters and procedures that promote democracy, inter alia, the Inter-American Democratic Charter.

2. Develop and fully implement regional instruments which call upon regional partners to build democratic institutions, adhere to democratic principles, protect human rights, promote education in human rights and democracy and provide assistance in this field to states which are in need of assistance and who have requested it.

3. Promote the exchange of regional organizations' experiences, particularly in those areas outlined in the Seoul Plan of Action, in responding to threats to democracy, inter alia, the inter-American system for the protection of human rights and the Inter-American Democratic Charter.

4. Resolve jointly to cooperate to discourage and resist the threat to democracy posed by the overthrow of constitutionally elected governments.

5. Support the improvement of governance throughout the world and the rebuilding of the rule of law and state institutions in war-torn countries.

6. Condemn in strong terms all acts of terrorism, irrespective of their motivation, whenever and by whomsoever committed, as one of the most serious threats to peace, democracy and security.

7. Promote international cooperation to fight against terrorism, in compliance with obligations under international law, in particular international human rights, refugee and humanitarian law.

8. Encourage the early adoption of a comprehensive convention on international terrorism by the UN, and for those countries which have not done so, seriously consider ratification of international instruments to fight against terrorism, and international conventions on human rights and international humanitarian law.

9. Welcome the "Madrid Agenda" as an outstanding contribution to encourage international cooperation against terrorism.

10. Encourage action against transnational threats, such as crossborder and state-sponsored terrorism, illegal exploitation of natural resources, organized crime, sea piracy, drug trafficking, illegal trafficking of weapons, trafficking in persons, in particular women and children, and money laundering.

11. Encourage and support the United Nations in its electoral assistance programs, including through national capacity building, constitution drafting and organizational experience for democracies in transition.

VI. Follow-up.

In order to implement the above-mentioned commitments and widen the support of countries, high-level representatives of international organizations and civil society to the activities of the Community of Democracies, we value our work within the United Nations in New York and Geneva and we establish the following Working Groups:

- Working Group on Democratic Governance and Civil Society;
- Working Group on Poverty, Development, and Democratic Governance;
- Working Group on Regional and Interregional Cooperation for Democratic Governance;
- Working Group on Promoting Democracy and Responding to National and Transnational Threats to Democracy.

Each Chair will report regularly to the Convening Group on the group's progress, as well as share information with the group on the Convening Group's decisions or actions.

The Convening Group will inform and share such reports with the participants of the Community of Democracies, serving as a means for disseminating information and knowledge on best practice activities, in the hope that each country in the world will strive to fulfill the ideals and principles noted in the Warsaw Declaration. While we remain committed to the position taken in Seoul to include only those countries where constitutional rule and democratic practices exist, we stand ready to support democratization in other countries and offer our support to those desiring a peaceful democratic transition.

VII. Regional-specific Commitments.

The following commitments were made by participating countries of respective regional groups that met at the Third Ministerial Conference.

Africa

1. Cancellation of the debt of African countries.

2. Strengthening of capacities and actions in political, economic, social, cultural and environmental matters, including strengthening of the capacities of the African Union, in particular the African Peer Review Mechanism.

3. Respect by the bilateral and multilateral development partners of commitments made towards the attainment of the Millennium Development Goals.

4. Contribution to peace and security through the strengthening of the support to conflicts and crisis prevention, management and settlement in Africa.

The Americas

1. Fully implement the Inter-American Democratic Charter by all American States. A follow-up mechanism shall be established in the OAS to ensure its effective application, including the creation of a democracy practitioner database.

2. Support a wide and inclusive process of political dialogue and the electoral transition process in Haiti, democratic normalcy in Ecuador and democracy and the pacification process in Colombia.

3. Cooperate with the universal and regional system of human rights and call upon the accession to the system's instruments.

4. Exchange experiences with other regional organizations, including the African Union (AU), in matters of strengthening of democracy at regional and interregional level through the OAS.

Asia

1. Support consolidation and promotion of democracy. Fight corruption.

2. Cooperate, not only with and among States, but with civil society organizations to promote democracy and development.

3. Build capacity through direct exchange among countries with a special focus on education.

Keeping in mind the critical role of political leadership in shaping democracy, and harnessing the potential of information and communications technology in strengthening democracy.

The working group commits to undertake these actions in cooperation with relevant existing institutions.

Europe

1. To support efforts and initiatives that might contribute to enhance democracy and the empowerment of civil society in Europe.

2. To emphasize the role that the European institutions are playing in the strengthening of democracy at the regional level within Europe.

3. To share with other regions of the world European experiences in the support of the democratization process, in order to encourage and assist emerging democracies to develop and strengthen their own political institutions.

Middle East

1. The Group emphasized the link between democratization and the peace process in the Middle East.

2. The Group stressed out the need for democratic education in the society, starting in the family. Knowledge has been stated as an important tool of spreading Democratic values and principles.

3. Nations adopting Democracy as their way of governing should use the same rules applied on their citizens, on citizens of other States.

4. The Group declared its support to the "Centre for Democratic Transition" in Hungary.

5. The Group confirmed that Islam is by no means contradictory to Democracy and its values and principles. Islam is in no way discriminatory to women and their rights.

6. The Group confirmed the need for a sustained dialogue with older democratic states. This dialogue will include the Civil Society representatives.

7. The political will is an important mean of forcing the necessary changes and introducing the required reforms.

8. A new family law should be adopted and ratified to bring justice to women and children in the Region.

9. The Yemen, Morocco and Jordan experience is associating the Islamist parties within the political process is a proof of the success of bringing theses political forces to work according the constitutional rules applied to the other political forces.

10. The Group stressed the commitment to maintain a positive relationship between Governments and Civil society.

11. The Group stressed the need for a sustained cooperation with other regional groups based on mutual understanding and a continued dialogue. This dialogue will not be restricted to governments but also Civil Society institutions.

12. Yemen has proposed to adopt an Inter-Arab Democratic Charter.

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Letter dated 26 May 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 26 May 2005, addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

05-36346 (E) 310505

Annex to the letter dated 26 May 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to our letter dated 15 April 2005 (A/59/783-S/2005/252), I have the honour to refer to the letter dated 17 May 2005 addressed to you by the Greek Cypriot representative in New York and circulated as a document of the General Assembly and of the Security Council (A/59/804-S/2005/319), which yet again contain allegations of violations of the "airspace of the Republic" and "of the flight information region (FIR) of Nicosia", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. Following the rejection by the Greek Cypriot side of the United Nations settlement plan last year, the international community in general and the United Nations in particular are expecting positive moves from the Greek Cypriot administration, demonstrating its political will and sincerity, for a fair and just settlement in Cyprus. As a first step, the Greek Cypriot administration, without further delay, should heed your call and pronounce itself with clarity and finality on the question you have put to it. The scheduled visit of a high-level United Nations envoy to the island at the end of May is yet another occasion for the Greek Cypriot leadership to seize the opportunity.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus